

Linn.	Stafford.
Neal.	Terrell.
Odell.	Yantis.
Patterson.	

Absent—Excused.

Burns.	Morriss.
--------	----------

EIGHTEENTH DAY.

Senate Chamber,
Austin, Tex., Tuesday, Feb. 20, 1900.

The Senate met pursuant to adjournment.

Lieutenant-Governor Browning in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Absent.

Prayer by the Chaplain, Rev. C. B. Garrett.

Pending the reading of the Journal of yesterday,

On motion of Senator Kerr, the same was dispensed with.

EXCUSED.

On motion of Senator Goss, Senator Gough was excused for non-attendance on Thursday, Friday and Saturday of last week and Monday of this week on account of important business.

On motion of Senator Grinnan, Senator Johnson was excused for non-attendance on yesterday on account of important business.

On motion of Senator Lloyd, Senator Morriss was excused from attendance today on account of important business.

COMMITTEE REPORTS.

Committee Room,
Austin, Texas, February 19, 1900.

Hon. Jas. N. Browning, President of the Senate.

SIR: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 16, "An Act to amend Sections 12, 56, 77, 119 and 120 of an act entitled 'An Act to incorporate the city of Dallas, and to grant it a new charter,' approved May 9, 1899,"

And find the same correctly enrolled, and have this day, at 5 p. m., presented the same to the Governor for his approval.

GRINNAN, Chairman.

Committee Room,
Austin, Texas, February 19, 1900.

Hon. Jas. N. Browning, President of the Senate.

SIR: Your Committee on Enrolled

Bills have carefully examined and compared

Substitute Senate bill No. 9, "An Act authorizing the Railroad Commission of the State of Texas to investigate into the running and operating, by any railroad in this State, of more than one working locomotive in any one train at the same time, and to authorize them to regulate or forbid such practice either on all or on a part of such railroad; and to prescribe a penalty for the violation of the Commission's order; and to define an abuse, and to provide that railway employees shall not be held to assume the risk of injury when engaged in the operation of trains propelled by two or more engines,"

And find the same correctly enrolled, and have this day, at 5 p. m., presented the same to the Governor for his approval.

GRINNAN, Chairman.

Committee Room,
Austin, Texas, February 19, 1900.

Hon. Jas. N. Browning, President of the Senate.

SIR: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 8, "An Act to amend Section 7, of 'An Act to provide for the location and building of a branch asylum for the care and treatment of the epileptic insane of the State, and to make an appropriation therefor,' approved February 9, 1899,"

And find the same correctly enrolled, and have this day, at 5 p. m., presented the same to the Governor for his approval.

GRINNAN, Chairman.

Committee Room,
Austin, Texas, February 19, 1900.

Hon. Jas. N. Browning, President of the Senate.

SIR: Your Committee on Enrolled Bills have carefully examined and compared

Senate Concurrent Resolution No. 2, directing the Superintendent of Public Buildings and Grounds to prevent the erection of monument at the capitol gate,

And find the same correctly enrolled, and have this day, at 5 p. m., presented the same to the Governor for his approval.

GRINNAN, Chairman.

RESOLUTIONS.

By Senator McGee:

Resolved, That the Secretary of the Senate J. P. Pool, the Journal Clerk W. B. O'Quinn, and the Assistant Journal Clerk

Thomas H. Napier, each be retained for six days after adjournment, and they be instructed to prepare and deliver to the public printer the Journal of this Senate, together with a complete and comprehensive index to the same, and to deliver to the Secretary of State all documents, bills, etc., and Journals by law required to be delivered to him by the Secretary of the Senate.

That each of the above named officers be paid the sum of \$5.00 per day for the time retained, and that this be paid out of the per diem appropriation for the First Called Session of the Twenty-sixth Legislature.

The resolution was read, and, on motion of Senator Davidson, laid on the table subject to call.

By Senator Davidson:

Resolved, That the Secretary of the Senate is hereby instructed and empowered to have two hundred and fifty (250) volumes of the Senate Journal of the First Called Session of the present Legislature, when completed and printed, bound in full law sheep, and that one volume thus bound be transmitted by him to each member of the House of Representatives and each Senator and the officers of the Senate; that the Secretary is authorized to contract for the binding of said Journals at a cost not exceeding one dollar per volume.

The resolution was read, and laid on the table subject to call.

By Senator James:

Resolved, That Mrs. Pauline Evans, Postmaster, be retained five days after adjournment of the present session of the Legislature to receive and forward to the Senators at their homes, such mail as may come to them after adjournment; and that she be paid the sum of \$5.00 per day for such services, to be paid out of the per diem appropriation of the First Called Session of the Twenty-sixth Legislature.

The resolution was read, and laid on the table subject to call.

Call concluded.

PENDING BUSINESS.

The Chair laid before the Senate

Senate bill No. 3, A bill to be entitled "An Act to fix the salaries of the superintendents of the several insane asylums of this State, and to make an additional appropriation therefor," action being on the motion to reconsider the vote by which the bill failed on final passage (see Journal of February 16).

Senator Turney moved the previous question on the motion to reconsider,

which was duly seconded and the main question was ordered by the following vote:

Yeas—15.

Atlee.	Potter.
Davidson.	Sebastian.
Dibrell.	Stafford.
Goss.	Stone.
Greer.	Turney.
James.	Wayland.
Kerr.	Yett.
Lewis.	

Nays—10.

Burns.	McGee.
Gough.	Miller.
Grinnan.	Neal.
Hanger.	Odell.
Lloyd.	Terrell.

Absent.

Linn.	Ross.
Patterson.	Yantis.

PAIRED.

Senator Johnson, present, who would vote *nay*, with Senator Morriss, absent, who would vote *yea*.

The motion to reconsider then prevailed by the following vote:

Yeas—13.

Davidson.	Potter.
Dibrell.	Sebastian.
Goss.	Stafford.
Greer.	Turney.
James.	Wayland.
Lewis.	Yett.
McGee.	

Nays—12.

Atlee.	Lloyd.
Burns.	Miller.
Gough.	Neal.
Grinnan.	Odell.
Hanger.	Stone.
Kerr.	Terrell.

Absent.

Linn.	Ross.
Patterson.	Yantis.

PAIRED.

Senator Johnson, present, who would vote *nay*, with Senator Morriss, absent, who would vote *yea*.

Pending action on the final passage of the bill,

Senator Hanger moved a call of the Senate, which was ordered, the following Senators answering to their names:

Atlee.	Dibrell.
Burns.	Goss.
Davidson.	Gough.

Greer.	Neal.
Grinnan.	Odell.
Hanger.	Potter.
James.	Sebastian.
Johnson.	Stafford.
Kerr.	Stone.
Lewis.	Terrell.
Lloyd.	Turney.
McGee.	Wayland.
Miller.	Yett.

Absent.

Linn.	Ross.
Patterson.	Yantis.

Absent—Excused.

Morriss.

(President Pro Tem. Turney in the chair.)

Senator Greer moved to excuse the absentees.

Lost by the following vote (requiring a two-thirds vote):

Yeas—16.

Burns.	Neal.
Davidson.	Potter.
Dibrell.	Sebastian.
Goss.	Stafford.
Greer.	Stone.
James.	Turney.
Lewis.	Wayland.
McGee.	Yett.

Nays—10.

Atlee.	Kerr.
Gough.	Lloyd.
Grinnan.	Miller.
Hanger.	Odell.
Johnson.	Terrell.

Absent.

Linn.	Ross.
Patterson.	Yantis.

Absent—Excused.

Morriss.

INVITATION.

At the direction of the Chair, the following invitation was read to the Senate:

To the Officers, Members and Employees of the Senate.

The Albert Sidney Johnston Chapter, United Daughters of the Confederacy, have pledged themselves to give the proceeds of a tea, to be given at the residence of Judge Z. T. Fulmore, Thursday, February 22nd, from four to ten o'clock p. m., to aid in grading the drive from the gate to the door of the Confederate Home. We cordially invite you to come and assist us in this noble work.

MRS. L. J. STOREY,

Pres. Albert Sidney Johnston Chapter.

Senator McGee moved to excuse the absentees.

Lost by the following vote (requiring a two-thirds vote):

Yeas—16.

Burns.	Neal.
Davidson.	Potter.
Dibrell.	Sebastian.
Goss.	Stafford.
Greer.	Stone.
James.	Turney.
Lewis.	Wayland.
McGee.	Yett.

Nays—10.

Atlee.	Kerr.
Gough.	Lloyd.
Grinnan.	Miller.
Hanger.	Odell.
Johnson.	Terrell.

Absent.

Linn.	Ross.
Patterson.	Yantis.

Absent—Excused.

Morriss.

There being no other business before the Senate,

On motion of Senator Goss, the Senate adjourned to 11 a. m. today.

AFTER ADJOURNMENT.

The Senate met pursuant to adjournment.

Lieutenant-Governor Browning in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Atlee.	McGee.
Burns.	Miller.
Davidson.	Neal.
Dibrell.	Odell.
Goss.	Patterson.
Gough.	Potter.
Greer.	Stafford.
Grinnan.	Stone.
Hanger.	Terrell.
James.	Turney.
Johnson.	Wayland.
Kerr.	Yett.
Lloyd.	

Absent.

Lewis.	Sebastian.
Linn.	Yantis.
Ross.	

Absent—Excused.

Morriss.

HOUSE MESSAGE.

The following message from the House was received:

Hall of the House of Representatives.
Austin, Texas, February 20, 1900.

Hon. Jas. N. Browning, President of the Senate.

MR. PRESIDENT: I am directed by the House to inform the Senate that the House has passed the following bill:

Substitute Senate bill No. 2, A bill to be entitled "An Act to partition the lands, adjust and settle the controversy between the public school fund and the State of Texas, growing out of the joint ownership of the public domain, under the provision of the Constitution of 1876, to provide for the payment of the sum due said school fund and for the issuance of patents" (with amendments).

Also that the House has concurred in Senate amendments to House bill No. 19.

Respectfully,

LEE J. ROUNTREE,

Chief Clerk House of Representatives.

PENDING BUSINESS.

The Chair laid before the Senate, on third reading,

Senate bill No. 3, A bill to be entitled "An Act to fix the salaries of the superintendents of the several insane asylums of this State, and to make an additional appropriation therefor," action being on final passage:

Pending action,

Senator Patterson moved to postpone further consideration of the bill until tomorrow at 3 p. m.

After discussion, and pending action,

On motion of Senator Turney, the Senate took a recess until 3 p. m. today.

AFTER RECESS.

The Senate was called to order at 3 p. m. by Lieutenant-Governor Browning.

BILL SIGNED.

The Chair gave notice of signing, and did sign, in the presence of the Senate, after its caption had been read,

House bill No. 18, being "An Act to amend Sections 43 and 45 of an act incorporating the city of San Antonio, approved August 13, 1870, and of all acts amendatory thereof."

REFUSED CONCURRENCE.

Senator Potter called up

Substitute Senate bill No. 2, A bill to be entitled "An Act to define the permanent school fund of the State of Texas, to partition the public lands between said fund and the State, and to adjust the account between said fund and said State; to set apart and appropriate to

said school fund, in part payment of said account, the residue of the public domain of said State, to which the said fund is entitled under Section 2, Article 7, of the Constitution, adopted April 17, 1876; to appropriate the sum of twenty-nine thousand, three hundred and forty, and twenty-seven one-hundredths dollars to the permanent school fund from the general revenue, not otherwise appropriated, in full payment of the balance due to said fund by the State of Texas, under the Constitution of 1876; to provide for the survey, purchase and lease of said land, and the issuance of patents in certain cases, and providing for suit by the State in Travis county against any person claiming any of the lands belonging to the school fund or any other fund," which had passed the House with amendments, and moved that the Senate do not concur in said amendments, and that a Free Conference Committee be requested to consider the difference of the two houses on the bill.

So ordered.

SPECIAL COMMITTEE.

In accordance with the above, the Chair announced the following Free Conference Committee on part of the Senate:

Senators Potter, Turney, Goss, Davidson and Sebastian.

PENDING BUSINESS.

The Chair laid before the Senate, on third reading,

Senate bill No. 3, A bill to be entitled "An Act to fix the salaries of the superintendents of the several insane asylums of this State, and to make an additional appropriation therefor," action being on Senator Patterson's motion to postpone further consideration until tomorrow at 3 p. m.

The motion to postpone prevailed by the following vote:

Yeas—13.

Atlee.	Miller.
Burns.	Neal.
Gougn.	Odell.
Grinnan.	Stone.
Hanger.	Terrell.
Johnson.	Turney.
Lloyd.	

Nays—10.

Davidson.	Potter.
Goss.	Ross.
Greer.	Sebastian.
James.	Wayland.
Lewis.	Yett.

Absent.

Dibrell. Stafford.
Kerr. Yantis.
Linn.

Absent—Excused.

Morriss.

PAIRED.

Senator McGee, present, who would vote *nay* with Senator Patterson, absent, who would vote *yea*.

HOUSE MESSAGE.

The following message from the House was received:

Hall of the House of Representatives.
Austin, Texas, February 20, 1900.

Hon. J. N. Browning, President of the Senate.

MR. PRESIDENT: I am directed by the House to inform the Senate that the House has granted the request of the Senate for the appointment of a Free Conference Committee on Substitute Senate bill No. 2, and the following are appointed on the part of the House:

Messrs. Wright, Smith of Grayson, Grogan, Powell, Robertson of Harrison.

Respectfully,

LEE J. ROUNTREE,

Chief Clerk House of Representatives.

There being no other business before the Senate,

On motion of Senator Greer, the Senate took a recess until 9 a. m. tomorrow.

EIGHTEENTH DAY.

(Continued.)

AFTER RECESS.

Senate Chamber,
Austin, Tex., February 21, 1900.

The Senate was called to order at 9 a. m. by Secretary J. P. Pool, the President and President Pro Tem. being absent.

Nominations for temporary President Pro Tem. being in order,

Senator Odell nominated Senator Morriss.

Unanimously elected.

Secretary Pool appointed Senators Odell and Potter to escort Senator Morriss to the chair.

At this juncture President Pro Tem. Turney arrived, and assumed the gavel.

Senator Morriss expressed his thanks for the honor extended him.

RESOLUTION.

By Senator Potter:

Whereas, This is the last day of the present called session of the Twenty-sixth Legislature; and

Whereas, There has been introduced in the Senate, during said session, twenty-one bills, besides a large number of simple and concurrent resolutions. Of the twenty-one Senate bills introduced fifteen have been passed by the Senate, and all of the others have been considered; and

Whereas, The Senate has received from the House during the present session five House bills, all of which have been considered and passed by the Senate; and

Whereas, Under the provision of the Constitution of the State of Texas, a bill to raise revenue, commonly called a tax bill, cannot originate in the Senate, but can only be passed by this body after having been passed by the House; and

Whereas, The bill known as the Tax Bill, introduced in the House early in the session has not reached the Senate during the session, although the House has diligently considered the same; therefore, be it

Resolved, First, That the Senate has been ready and willing from the beginning of the session to faithfully and fully consider the Tax Bill.

Resolved, Second, That it is the sense of the Senate that taxation in the State of Texas should be equalized and that all the hidden wealth of this State that has been avoiding taxation, or has not paid its pro rata part thereof, should be reached for taxation, including the property of all corporations and individuals that heretofore have avoided taxation or not paid its proportionate and proper share of taxes, and all rights and privileges granted by the State not paying their reasonable portion of taxes, should be reached and compelled by law to be rendered for taxation.

Resolved, Third, That it is also the sense of the Senate that the landed interests of this State have long paid the greater part of the burden of the tax assessed by the government, which burden has fallen the most heavily upon the homes and small landed estates, and that such burden should never be increased unless absolutely required by the needs of the government.

The resolution was read, and laid on the table subject to call.

(Lieutenant-Governor Browning in the chair.)